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STATE OF MICHIGAN  
DETROIT BOARD OF POLICE COMMISSIONERS  
REGULAR MEETING

\_\_\_\_\_ /

PAGE 1 TO 16

Taken at 1300 Beaubien, Room 328-A,  
Detroit, Michigan, 48226,  
Commencing at 3:04 p.m.,  
Thursday, February 3rd, 2011,  
Before Elizabeth Koller, CSR-7042.

1 APPEARANCES:

2 CELIA BANKS WASHINGTON (P54338)

3 Supervising Investigator/Attorney

4 1300 Beaubien, Room 328

5 Detroit, Michigan 48226

6 (313) 596-1835

7 Appearing on behalf of the City of Detroit and

8 Board of Police Commissioners.

9

10 COMMISSIONERS:

11 JEROME WARFIELD, CHAIRMAN OF THE BOARD

12 ADELA RIVERA, VICE CHAIRPERSON

13 MICHAEL REEVES, COMMISSIONER

14 DONNELL WHITE, COMMISSIONER

15

16 GEORGE ANTHONY, SECRETARY

17 DC CHIEF TOLBERT, PATROL OPERATIONS

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1 Detroit, Michigan

2 February 3, 2011

3 About 3:04 a.m.

4 COMMISSIONER WARFIELD: Good afternoon,  
5 ladies and gentlemen.

6 AUDIENCE: Good afternoon.

7 COMMISSIONER WARFIELD: Thank you. Welcome  
8 to the Board of Police Commissioners meeting. My name  
9 is Jerome Warfield, Chairman of the Board of Police  
10 Commissioners. Serving with me today is the Vice  
11 Chairman of the Board of Police Commissioners,  
12 Commissioner Adelia Rivera, as well as Commissioner  
13 Reverend Michael Reeves and Commissioner Donnell White.  
14 Sitting in for the chief today is Deputy Chief Tolbert.  
15 Sir, good to have you.

16 DEPUTY CHIEF TOLBERT: Thank you, sir, good  
17 to be here.

18 COMMISSIONER WARFIELD: I'm going to ask if  
19 our Secretary to the Board, Mr. George Anthony, will  
20 introduce our staff?

21 SECRETARY ANTHONY: Thank you, Mr. Chair.  
22 George Anthony, for the record. The introduction of  
23 our staff, Ms. Celia Banks-Washington, who is our  
24 Attorney Supervising/Investigator, Ms. Dalph Watson,  
25 our Police Personnel Director, Ms. Tina Orr, who is our

1 Chief Investigator, Mr. Robert Brown, who is our office  
2 manager standing in the back. I think Ms. Yolanda  
3 Caudle who is a member of our staff. And I don't see  
4 anyone else, Mr. Chair -- oh, and Officer Kent Cooper,  
5 who is also assigned to our office. And I see we do  
6 have Senior Investigator Melanie White from the Office  
7 of Chief Investigator. That completes the  
8 introductions.

9 COMMISSIONER WARFIELD: Thank you,  
10 Mr. Secretary.

11 SECRETARY ANTHONY: I apologize again.  
12 Officer Terrence Bell who is recording our proceedings,  
13 and Ms. Elizabeth Koller from Hanson Court Reporting  
14 Services. I think that completes our introductions.

15 COMMISSIONER WARFIELD: Thank you, sir, no  
16 problem. At this time I'm going to ask if Chaplain  
17 Dave Penson is here and if you can come to the podium?  
18 Chaplain Penson is a member of Allen Temple AME Church  
19 here in Detroit, Michigan. Sir, good to have you. I'm  
20 going to ask you if you would lead us in our  
21 invocation?

22 CHAPLAIN PENSON: Okay. Can we all bow our  
23 heads in a word of prayer. Dear Heavenly Father in the  
24 name of Jesus, we come before you just to say thank you  
25 and ask your blessings upon this meeting that as we

1 begin to hear the echos of the community, God, to  
2 enhance this community. And we just ask, God, that you  
3 be with us. In Jesus' name, amen.

4 AUDIENCE: Amen.

5 COMMISSIONER WARFIELD: Thank you, Chaplain  
6 Penson. We appreciate you. At this time I'll  
7 entertain a motion to approve the agenda for today's  
8 meeting?

9 COMMISSIONER RIVERA: So moved.

10 COMMISSIONER REEVES: Second.

11 COMMISSIONER WARFIELD: It's been properly  
12 moved and second. All those in favor?

13 COMMISSIONERS: Aye.

14 COMMISSIONER WARFIELD: All those opposed?  
15 Motion carries. I'll also entertain a motion to  
16 approve the minutes from Thursday, January the 20th  
17 meeting, 2011?

18 COMMISSIONER RIVERA: So moved.

19 COMMISSIONER REEVES: Second.

20 COMMISSIONER WARFIELD: It's been properly  
21 motioned and supported. All those in favor?

22 COMMISSIONERS: Aye.

23 COMMISSIONER WARFIELD: All those opposed?  
24 Motion carries. Finally, we will approve the minutes  
25 from Thursday, January the 27th meeting.

1 COMMISSIONER REEVES: So moved.

2 COMMISSIONER RIVERA: Second.

3 COMMISSIONER WARFIELD: It's been properly  
4 moved and second. All those in favor?

5 COMMISSIONERS: Aye.

6 COMMISSIONER WARFIELD: All those opposed?  
7 Motion carries. There is no Chairperson Report at this  
8 time. I'm going to yield the floor to Secretary George  
9 Anthony and he will walk us through some procedures.

10 SECRETARY ANTHONY: Thank you, Mr. Chair.  
11 George Anthony, again, for the record. We have two  
12 petitions for you to consider. They were suspensions  
13 without pay. One deals with Officer Randal Overton,  
14 and the second deals with Police Officer Brian James.

15 I would like to discuss the one that deals  
16 with Officer Overton. This is a stipulation to  
17 allegations that are set forth in the department's  
18 petition to suspend without pay Police Officer Randal  
19 Overton under Article 9. Officer Overton's Badge  
20 Number is 179.

21 It is hereby stipulated by John J. Goldpaugh  
22 of Goldpaugh and Associates, PC, on behalf of Officer  
23 Overton that the allegations set forth in the petition  
24 to suspend Police Officer Randal Overton without pay  
25 including but not limited to the fact that 33rd

1 District Court Felony Warrant Number 10-13582 has been  
2 issued against Officer Overton and the fact that he is  
3 presently scheduled for a preliminary examination on  
4 February 8th, 2011, on those charges, are sufficient to  
5 concur with Chief Ralph L. Godbee, Junior's, request  
6 that Officer Overton be suspended without pay effective  
7 February 3rd, 2011 pursuant to Article 9 of the  
8 Collective Bargaining Agreement between the City of  
9 Detroit and the Detroit Police Officer's Association.  
10 Respectfully submitted Goldpaugh and Associates, John  
11 Goldpaugh, February 3th, 2011.

12 This is a fax transmittal sheet that  
13 accompanied the stipulation. It reads this stipulation  
14 shall also act as a withdrawal of our request for a  
15 closed door session with respect to Officer Overton  
16 only. The suspension without pay is a recommendation  
17 from the chief, Chief Godbee. Looking at the  
18 stipulation there appears to be no objection and unless  
19 contravened by the Board of Police Commissioners the  
20 suspension without pay will stand.

21 COMMISSIONER WARFIELD: Just for clarity  
22 purposes for the record's sake Mr. Goldpaugh is the  
23 attorney for Officer Overton and he agrees with  
24 Chief Godbee that Officer Overton should be suspended  
25 without pay?

1 SECRETARY ANTHONY: That's correct.

2 COMMISSIONER WARFIELD: Seeing as though that  
3 there is no contravention, suspension without pay  
4 remains or shall be enforced. Thank you.

5 SECRETARY ANTHONY: Thank you. The second --

6 COMMISSIONER RIVERA: Excuse me. For the  
7 record, can you put down the day that -- is this the  
8 one that we're not going to vote on for two weeks?

9 SECRETARY ANTHONY: No, no, no.

10 COMMISSIONER RIVERA: Okay. Never mind.  
11 Withdrawn.

12 SECRETARY ANTHONY: The second matter that  
13 has come before the Board was a request for a closed  
14 door session under the open meeting act for Police  
15 Officer Brian James, Badge Number 2227, also  
16 represented by Attorney John J. Goldpaugh. We received  
17 a call from Mr. Goldpaugh today that there is a  
18 pressing family matter that he has to attend to and  
19 that he would not be able to attend a closed door  
20 session.

21 He has asked the Board if they would kindly  
22 put off this matter for two weeks and that it can be  
23 properly heard in closed door and has also indicated  
24 that whatever the Board decides in two weeks would be  
25 effective as of today's date, February 3rd, 2011.

1           So I leave that to the Board's discretion  
2 with regards to postponing that matter.

3           COMMISSIONER WARFIELD: Is there a motion  
4 concerning Officer Brian James?

5           COMMISSIONER RIVERA: Moved to postpone it  
6 for a vote for two weeks.

7           COMMISSIONER WHITE: Support.

8           COMMISSIONER WARFIELD: It's been properly  
9 moved and supported. Any discussion? Hearing or  
10 seeing none, all those in favor of postponing please  
11 say aye?

12           COMMISSIONERS: Aye.

13           COMMISSIONER WARFIELD: All those opposed?  
14 Motion carries. Thank you, sir.

15           SECRETARY ANTHONY: Thank you.

16           COMMISSIONER WARFIELD: Is there anything  
17 else?

18           SECRETARY ANTHONY: No, there isn't.

19           COMMISSIONER WARFIELD: Thank you.  
20 Mr. Deputy Chief, anything from the department?

21           DEPUTY CHIEF TOLBERT: Nothing, sir.

22           COMMISSIONER WARFIELD: Okay. Thank you. At  
23 this time I want to make an announcement that our next  
24 meeting will be held Thursday, February the 10th, 6:30  
25 p.m. It's a community meeting. So it will be held at

1 6:30 p.m., in the Eastern District at Wow Church,  
2 W-O-W, Wow Church and Life Center which is located at  
3 14111 East Seven Mile Road, Detroit, Michigan. So  
4 please, ma'am, please, sir, mark your calendars for  
5 that.

6 At this time we will entertain communications  
7 from the audience. If you wish to address the Board of  
8 Police Commissioners, please come to the mic, to the  
9 podium, I'm sorry, state your name for the record and  
10 we ask that you abide by our four-minute time limit,  
11 that will give all of our citizens an opportunity to  
12 speak.

13 MS. MORRIS: Good afternoon.

14 COMMISSIONERS: Good afternoon.

15 MS. MORRIS: Tijuana Morris with Fight for  
16 your Rights Investigation and retired police officer,  
17 also the investigator for the Detroit Coalition Against  
18 Police Brutality. Two questions -- well, one question,  
19 statement. If a citizen wanted to find out what  
20 charges were brought against an officer at this hearing  
21 or at this meeting, at the public meeting, how would  
22 they go about it? Can they FOIA request the  
23 information?

24 COMMISSIONER WARFIELD: I'm sorry?

25 MS. MORRIS: To find out what the

1 stipulations were concerning any officer, not just this  
2 particular, but any disciplinary actions? In the old  
3 days they used to say it here in the meetings. But is  
4 there another way if they wanted to?

5 COMMISSIONER WARFIELD: Absolutely, you  
6 certainly can certainly FOIA the request. Let me say  
7 this because I'm glad you brought that point up --

8 MS. MORRIS: Thank you.

9 COMMISSIONER WARFIELD: -- for the sake of  
10 transparency, the issues were so sensitive and delicate  
11 that the Board and the attorneys thought it would be  
12 best that they not be mentioned verbally. It was just  
13 that sensitive. However, but they are available as  
14 FOIA.

15 MS. MORRIS: Secondly, my comment that  
16 everyone knows that I'm out there on the street if  
17 something's wrong. I do see some progression in the  
18 Detroit Police Department and some transparencies. And  
19 even the growth of the 300 Club coming out. And if the  
20 Detroit Coalition had any part in anybody's thinking of  
21 joining I appreciate it.

22 There is a situation that I'm looking into  
23 that is sensitive and it's due to police credibility.  
24 And as always this Board knows that I will come back  
25 and voice and let them know what's happening in the

1 street.

2 COMMISSIONER WARFIELD: Thank you. And,  
3 Sister Morris, while you're there, certainly if there's  
4 anything you want to share with us privately you know  
5 we're open to hear that from you.

6 MS. MORRIS: Yeah, and as always it's for the  
7 safety of our city as well as for our officers. Thank  
8 you.

9 COMMISSIONER WARFIELD: Yes, ma'am, Attorney  
10 Washington?

11 ATTORNEY WASHINGTON: Celia Washington, for  
12 the record. Just as a point of clarification with  
13 regard to Ms. Morris' last concern, I wanted to make  
14 sure that we were clear at what point in the  
15 investigation is that information FOIA-ible. And I  
16 confirmed with the law department that that information  
17 is not FOIA-ible, if there is such a word, until the  
18 conclusion. So we're talking after the trial board,  
19 after the process had been completed. Anything in the  
20 interim is not available to the public.

21 COMMISSIONER WARFIELD: Thank you, ma'am, for  
22 that clarification.

23 ELDER DAVIS: Good afternoon.

24 COMMISSIONER WARFIELD: Good afternoon, sir.

25 ELDER DAVIS: To the Deputy Chief, to the

1 Police Board of Commissioners. My name is Elder  
2 Anthony Davis, Senior, from AC Towing. From our last  
3 meeting, Commissioner White said if we want him to  
4 invite him to come to our tow operation and see us,  
5 our daily basis I'm inviting him to AC Towing. And our  
6 telephone number is (313) 895-9595. My name is Elder  
7 Anthony Davis, Senior. My wife, Christine Davis. You  
8 can call us and we can set up a date and you can see  
9 how our operation goes.

10 COMMISSIONER WHITE: Mr. Davis, I appreciate  
11 the invitation. If I could ask if you would work with  
12 Brother Brown. He'll get you a schedule for the week  
13 of what would be convenient.

14 ELDER DAVIS: Thank you, sir.

15 COMMISSIONER WARFIELD: Thank you, Elder  
16 Davis. Anymore comments for the Board? Questions?  
17 Comments for the Board? Hearing and seeing none we  
18 will close that portion of our meeting. Thank you,  
19 ladies and gentlemen.

20 Commissioner White, did you have something?

21 COMMISSIONER WHITE: Just as a point of  
22 clarification were we expecting, through the chair, to  
23 DC Tolbert, was this the meeting we were supposed to be  
24 prepared to have the report back on the towing rules  
25 and regulations?

1 DEPUTY CHIEF TOLBERT: That is correct, sir,  
2 and I have it here. This is a proposed draft that I  
3 presented to the chief just before he left. So he  
4 hasn't had a chance to review this towing draft. I  
5 want to stress that this is a draft and there might  
6 still be some additional changes.

7 COMMISSIONER WARFIELD: Okay.

8 DEPUTY CHIEF TOLBERT: But this is a  
9 culmination of having all the abandoned vehicle  
10 officers in the department get together and look at the  
11 process. This will address some of the issues as far  
12 as recovering stolen vehicles and aban vehicles.

13 Your question as to, and I'm going to defer  
14 it to DC Lee, your question as to why things were the  
15 way they are, now I couldn't answer, and I'm not going  
16 to try that again. But I'll pass these down to every  
17 commissioner so you can look at that at your leisure  
18 and if you have any questions.

19 This will eliminate the east tow issue with  
20 the recovery of stolen vehicles and this will also  
21 standardize the aban and stolen vehicle process  
22 throughout the department once it's approved and  
23 implemented. So as promised.

24 COMMISSIONER WARFIELD: Thank you, sir. That  
25 answers your question, Commissioner?

1 COMMISSIONER WHITE: Yes, sir.

2 COMMISSIONER WARFIELD: Commissioner Rivera?

3 COMMISSIONER RIVERA: Also for the record let  
4 me state that while I was in Mexico I understand my  
5 request for the amount of tows by which companies and  
6 the abandoned tows was submitted. I will look it over  
7 and have a report on it.

8 COMMISSIONER WARFIELD: Thank you,  
9 Commissioner.

10 COMMISSIONER RIVERA: Thank you, Commander  
11 Lee and Chief for getting that to me.

12 COMMISSIONER WARFIELD: Do you have  
13 something, Deputy Chief?

14 DEPUTY CHIEF LEE: No, sir.

15 COMMISSIONER WARFIELD: Do you have anything  
16 else? All right. At this time I'll have a motion to  
17 adjourn the meeting for today?

18 COMMISSIONER REEVES: So moved.

19 COMMISSIONER WHITE: Second.

20 COMMISSIONER WARFIELD: It's been properly  
21 moved and second that the meeting be adjourned. All  
22 those in favor?

23 COMMISSIONERS: Aye.

24 COMMISSIONER WARFIELD: All those opposed?  
25 Motion carries. Thank you, ladies and gentlemen.

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(The hearing concluded at 3:19 p.m.)

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CERTIFICATE OF REPORTER

STATE OF MICHIGAN )  
 ) SS  
COUNTY OF WAYNE )

I, Elizabeth Koller, hereby certify that I reported stenographically the foregoing proceedings and at the time and place hereinbefore set forth; that thereafter the same was reduced to computer transcription under my supervision; and that this is a full, true, complete and correct transcription of said proceedings.



*Elizabeth Koller* \_\_\_\_\_

Elizabeth Koller, CSR 7042,  
Notary Public,  
Wayne County, Michigan

My Commission expires: June 1, 2012

A			
<b>aban</b> 14:12, 21	10:7	<b>charges</b> 7:4 10:20	<b>completes</b> 4:7, 14
<b>abandoned</b> 14:9	<b>available</b> 11:13	<b>chief</b> 2:17 3:14, 14	<b>computer</b> 17:11
15:6	12:20	3:16 4:1, 7 7:5	<b>concern</b> 12:13
<b>abide</b> 10:10	<b>aye</b> 5:13, 22 6:5	7:17, 17, 24 9:20	<b>concerning</b> 9:4
<b>able</b> 8:19	9:11, 12 15:23	9:21 12:25 14:1	11:1
<b>Absolutely</b> 11:5	<b>a.m</b> 3:3	14:3, 8 15:11, 13	<b>concluded</b> 16:1
<b>AC</b> 13:2, 5		15:14	<b>conclusion</b> 12:18
<b>accompanied</b> 7:13	<b>B</b>	<b>Christine</b> 13:7	<b>concur</b> 7:5
<b>act</b> 7:14 8:14	<b>back</b> 4:2 11:24	<b>Church</b> 4:18 10:1, 2	<b>confirmed</b> 12:16
<b>actions</b> 11:2	13:24	<b>citizen</b> 10:19	<b>consider</b> 6:12
<b>additional</b> 14:6	<b>Badge</b> 6:19 8:15	<b>citizens</b> 10:11	<b>contravened</b> 7:19
<b>address</b> 10:7 14:11	<b>BANKS</b> 2:2	<b>city</b> 2:7 7:8 12:7	<b>contravention</b> 8:3
<b>ADELA</b> 2:12	<b>Banks-Washington</b>	<b>clarification</b>	<b>convenient</b> 13:13
<b>Adelia</b> 3:12	3:23	12:12, 22 13:22	<b>Cooper</b> 4:4
<b>adjourn</b> 15:17	<b>Bargaining</b> 7:8	<b>clarity</b> 7:21	<b>correct</b> 8:1 14:1
<b>adjourned</b> 15:21	<b>basis</b> 13:5	<b>clear</b> 12:14	17:13
<b>afternoon</b> 3:4, 6	<b>Beaubien</b> 1:16 2:4	<b>close</b> 13:18	<b>County</b> 17:6, 20
10:13, 14 12:23	<b>behalf</b> 2:7 6:22	<b>closed</b> 7:15 8:13	<b>Court</b> 4:13 7:1
12:24	<b>Bell</b> 4:12	8:19, 23	<b>credibility</b> 11:23
<b>agenda</b> 5:7	<b>best</b> 11:12	<b>Club</b> 11:19	<b>CSR</b> 17:18
<b>Agreement</b> 7:8	<b> blessings</b> 4:25	<b>Coalition</b> 10:17	<b>CSR-7042</b> 1:20
<b>agrees</b> 7:23	<b>board</b> 1:2 2:8, 11	11:20	<b>culmination</b> 14:9
<b>allegations</b> 6:17	3:8, 9, 11, 19 7:19	<b>Collective</b> 7:8	
6:23	8:13, 21, 24 10:7	<b>come</b> 4:17, 24 8:13	<b>D</b>
<b>Allen</b> 4:18	11:11, 24 12:18	10:8 11:24 13:4	<b>daily</b> 13:5
<b>AME</b> 4:18	13:1, 16, 17	<b>coming</b> 11:19	<b>Dalph</b> 3:24
<b>amen</b> 5:3, 4	<b>Board's</b> 9:1	<b>Commander</b> 15:10	<b>date</b> 8:25 13:8
<b>amount</b> 15:5	<b>bow</b> 4:22	<b>Commencing</b> 1:18	<b>Dave</b> 4:17
<b>announcement</b> 9:23	<b>Brian</b> 6:14 8:15	<b>comment</b> 11:15	<b>Davis</b> 12:23, 25
<b>answer</b> 14:15	9:4	<b>comments</b> 13:16, 17	13:2, 7, 7, 10, 14
<b>answers</b> 14:25	<b>Brother</b> 13:12	<b>Commission</b> 17:21	13:16
<b>Anthony</b> 2:16 3:19	<b>brought</b> 10:20 11:7	<b>Commissioner</b> 2:13	<b>day</b> 8:7
3:21, 22 4:11 6:9	<b>Brown</b> 4:1 13:12	2:14 3:4, 7, 12, 12	<b>days</b> 11:3
6:10, 11 8:5, 9, 12	<b>Brutality</b> 10:18	3:13, 18 4:9, 15	<b>DC</b> 2:17 13:23
9:15, 18 13:2, 7		5:5, 9, 10, 11, 14	14:14
<b>ANTONY</b> 8:1	<b>C</b>	5:18, 19, 20, 23	<b>deals</b> 6:13, 14, 15
<b>anybody's</b> 11:20	<b>calendars</b> 10:4	6:1, 2, 3, 6 7:21	<b>Dear</b> 4:23
<b>Any more</b> 13:16	<b>call</b> 8:17 13:8	8:2, 6, 10 9:3, 5, 7	<b>decides</b> 8:24
<b>apologize</b> 4:11	<b>carries</b> 5:15, 24	9:8, 13, 16, 19, 22	<b>defer</b> 14:13
<b>APPEARANCES</b> 2:1	6:7 9:14 15:25	10:24 11:5, 9	<b>delicate</b> 11:10
<b>Appearing</b> 2:7	<b>Caudle</b> 4:3	12:2, 9, 21, 24	<b>department</b> 9:20
<b>appears</b> 7:18	<b>Celia</b> 2:2 3:23	13:3, 10, 15, 20, 21	11:18 12:16
<b>appreciate</b> 5:6	12:11	14:7, 17, 24, 25	14:10, 22
11:21 13:10	<b>Center</b> 10:2	15:1, 2, 2, 3, 8, 9	<b>department's</b> 6:17
<b>approve</b> 5:7, 16, 24	<b>certainly</b> 11:6, 6	15:10, 12, 15, 18	<b>Deputy</b> 3:14, 16
<b>approved</b> 14:22	12:3	15:19, 20, 24	9:20, 21 12:25
<b>Article</b> 6:19 7:7	<b>CERTIFICATE</b> 17:1	<b>Commissioners</b> 1:2	14:1, 8 15:13, 14
<b>asked</b> 8:21	<b>certify</b> 17:8	2:8, 10 3:8, 10, 11	<b>Detroit</b> 1:2, 17 2:5
<b>assigned</b> 4:5	<b>chair</b> 3:21 4:4	5:13, 22 6:5 7:19	2:7 3:1 4:19 7:9
<b>Associates</b> 6:22	6:10 13:22	9:12 10:8, 14	7:9 10:3, 17
7:10	<b>Chairman</b> 2:11 3:9	13:1 15:23	11:18, 20
<b>Association</b> 7:9	3:11	<b>communications</b>	<b>Director</b> 3:25
<b>attend</b> 8:18, 19	<b>Chairperson</b> 2:12	10:6	<b>disciplinary</b> 11:2
<b>attorney</b> 3:24 7:23	6:7	<b>community</b> 5:1, 2	<b>discretion</b> 9:1
8:16 12:9, 11	<b>chance</b> 14:4	9:25	<b>discuss</b> 6:15
<b>attorneys</b> 11:11	<b>changes</b> 14:6	<b>companies</b> 15:5	<b>discussion</b> 9:9
<b>audience</b> 3:6 5:4	<b>Chaplain</b> 4:16, 18	<b>complete</b> 17:13	<b>District</b> 7:1 10:1
	4:22 5:5	<b>completed</b> 12:19	<b>Donnell</b> 2:14 3:13

door 7:15 8:14,19  
8:23  
draft 14:2,4,5  
due 11:23

**E**

east 10:3 14:19  
Eastern 10:1  
echos 5:1  
effective 7:6 8:25  
Elder 12:23,25  
13:1,6,14,15  
eliminate 14:19  
Elizabeth 1:20  
4:13 17:8,18  
enforced 8:4  
enhance 5:2  
entertain 5:7,15  
10:6  
examination 7:3  
Excuse 8:6  
expecting 13:22  
expires 17:21

**F**

fact 6:25 7:2  
family 8:18  
far 14:11  
Father 4:23  
favor 5:12,21 6:4  
9:10 15:22  
fax 7:12  
February 1:19 3:2  
7:4,7,11 8:25  
9:24  
Felony 7:1  
Fight 10:15  
Finally 5:24  
find 10:19,25  
floor 6:8  
FOIA 10:22 11:6,14  
FOIA-ible 12:15,17  
foregoing 17:9  
forth 6:17,23  
17:11  
four-minute 10:10  
full 17:13

**G**

gentlemen 3:5  
13:19 15:25  
George 2:16 3:19  
3:22 6:8,11  
getting 15:11  
give 10:11  
glad 11:7  
go 10:22  
God 5:1,2

Godbee 7:5,17,24  
goes 13:9  
going 3:18 4:16,20  
6:8 8:8 14:13,15  
Goldpaugh 6:21,22  
7:10,11,22 8:16  
8:17

good 3:4,6,15,16  
4:19 10:13,14  
12:23,24  
growth 11:19

**H**

Hanson 4:13  
happening 11:25  
heads 4:23  
hear 5:1 12:5  
heard 8:23  
hearing 9:9 10:20  
13:17 16:1  
Heavenly 4:23  
held 9:24,25  
hereinbefore 17:10  
He'll 13:12

**I**

implemented 14:23  
including 6:25  
indicated 8:23  
information 10:23  
12:15,16  
interim 12:20  
introduce 3:20  
introduction 3:22  
introductions 4:8  
4:14  
investigation  
10:16 12:15  
investigator 4:1,6  
4:7 10:17  
Investigator/A...  
2:3  
invitation 13:11  
invite 13:4  
inviting 13:5  
invocation 4:21  
issue 14:19  
issued 7:2  
issues 11:10 14:11

**J**

J 6:21 8:16  
James 6:14 8:15  
9:4  
January 5:16,25  
Jerome 2:11 3:9  
Jesus 4:24 5:3  
John 6:21 7:10

8:16  
joining 11:21  
June 17:21  
Junior's 7:5

**K**

Kent 4:4  
kindly 8:21  
know 11:25 12:4  
knows 11:16,24  
Koller 1:20 4:13  
17:8,18

**L**

L 7:5  
ladies 3:5 13:19  
15:25  
law 12:16  
lead 4:20  
leave 9:1  
Lee 14:14 15:11,14  
left 14:3  
leisure 14:17  
Life 10:2  
limit 10:10  
limited 6:25  
located 10:2  
look 14:10,17 15:6  
looking 7:17 11:22

**M**

manager 4:2  
mark 10:4  
matter 8:12,18,22  
9:2  
ma'am 10:4 12:9,21  
meeting 1:3 3:8  
4:25 5:8,17,25  
8:14 9:24,25  
10:21,21 13:3,18  
13:23 15:17,21  
meetings 11:3  
Melanie 4:6  
member 4:3,18  
mentioned 11:12  
Mexico 15:4  
mic 10:8  
Michael 2:13 3:13  
Michigan 1:1,17  
2:5 3:1 4:19  
10:3 17:4,20  
Mile 10:3  
mind 8:10  
minutes 5:16,24  
Morris 10:13,15,15  
10:25 11:8,15  
12:3,6,13  
motion 5:7,15,15

5:24 6:7 9:3,14  
15:16,25  
motioned 5:21  
moved 5:9,12,18  
6:1,4 9:5,9  
15:18,21

**N**

name 3:8 4:24 5:3  
10:9 13:1,6  
Never 8:10  
Notary 17:19  
number 6:20 7:1  
8:15 13:6

**O**

objection 7:18  
office 4:1,5,6  
officer 4:4,12  
6:13,14,16,18,19  
6:22,24 7:2,6,15  
7:23,24 8:15 9:4  
10:16,20 11:1  
officers 12:7  
14:10  
Officer's 7:9  
oh 4:4  
Okay 4:22 8:10  
9:22 14:7  
old 11:2  
once 14:22  
open 8:14 12:5  
operation 13:4,9  
OPERATIONS 2:17  
opportunity 10:11  
opposed 5:14,23  
6:6 9:13 15:24  
Orr 3:25  
Overton 6:13,16,19  
6:23,24 7:2,6,15  
7:23,24  
Overton's 6:19

**P**

PAGE 1:14  
part 11:20  
particular 11:2  
pass 14:16  
PATROL 2:17  
pay 6:13,18,24 7:6  
7:16,20,25 8:3  
PC 6:22  
Penson 4:17,18,22  
5:6  
Personnel 3:25  
petition 6:18,23  
petitions 6:12  
place 17:10

**please** 9:10 10:4, 4  
 10:8  
**podium** 4:17 10:9  
**point** 11:7 12:12  
 12:14 13:21  
**police** 1:2 2:8 3:8  
 3:9, 11, 25 6:14  
 6:18, 24 7:9, 19  
 8:14 10:8, 16, 18  
 11:18, 23 13:1  
**portion** 13:18  
**postpone** 9:5  
**postponing** 9:2, 10  
**prayer** 4:23  
**preliminary** 7:3  
**prepared** 13:24  
**presented** 14:3  
**presently** 7:3  
**pressing** 8:18  
**privately** 12:4  
**problem** 4:16  
**procedures** 6:9  
**proceedings** 4:12  
 17:10, 14  
**process** 12:19  
 14:11, 21  
**progression** 11:17  
**promised** 14:23  
**properly** 5:11, 20  
 6:3 8:23 9:8  
 15:20  
**proposed** 14:2  
**public** 10:21 12:20  
 17:19  
**purposes** 7:22  
**pursuant** 7:7  
**put** 8:7, 22  
**p.m** 1:18 9:25 10:1  
 16:1  
**P54338** 2:2

---

**Q**

---

**question** 10:18  
 14:13, 14, 25  
**questions** 10:18  
 13:16 14:18

---

**R**

---

**Ralph** 7:5  
**Randal** 6:13, 18, 24  
**reads** 7:13  
**received** 8:16  
**recommendation**  
 7:16  
**record** 3:22 6:11  
 8:7 10:9 12:12  
 15:3  
**recording** 4:12

**record's** 7:22  
**recovering** 14:12  
**recovery** 14:20  
**reduced** 17:11  
**Reeves** 2:13 3:13  
 5:10, 19 6:1  
 15:18  
**regard** 12:13  
**regards** 9:2  
**REGULAR** 1:3  
**regulations** 13:25  
**remains** 8:4  
**report** 6:7 13:24  
 15:7  
**reported** 17:9  
**REPORTER** 17:1  
**Reporting** 4:13  
**represented** 8:16  
**request** 7:5, 14  
 8:13 10:22 11:6  
 15:5  
**respect** 7:15  
**Respectfully** 7:10  
**retired** 10:16  
**Reverend** 3:13  
**review** 14:4  
**right** 15:16  
**Rights** 10:16  
**Rivera** 2:12 3:12  
 5:9, 18 6:2 8:6  
 8:10 9:5 15:2, 3  
 15:10  
**Road** 10:3  
**Robert** 4:1  
**Room** 1:16 2:4  
**rules** 13:24

---

**S**

---

**safety** 12:7  
**sake** 7:22 11:9  
**schedule** 13:12  
**scheduled** 7:3  
**second** 5:10, 12, 19  
 6:2, 4, 14 8:5, 12  
 15:19, 21  
**Secondly** 11:15  
**Secretary** 2:16  
 3:19, 21 4:10, 11  
 6:8, 10 8:1, 5, 9  
 8:12 9:15, 18  
**see** 4:3, 5 11:17  
 13:4, 8  
**seeing** 8:2 9:10  
 13:17  
**Senior** 4:6 13:2, 7  
**sensitive** 11:10, 13  
 11:23  
**Services** 4:14

**Serving** 3:10  
**session** 7:15 8:14  
 8:20  
**set** 6:17, 23 13:8  
 17:10  
**Seven** 10:3  
**share** 12:4  
**sheet** 7:12  
**sir** 3:15, 16 4:15  
 4:19 9:14, 21  
 10:4 12:24 13:14  
 14:1, 24 15:1, 14  
**Sister** 12:3  
**Sitting** 3:14  
**situation** 11:22  
**something's** 11:17  
**sorry** 10:9, 24  
**speak** 10:12  
**SS** 17:5  
**staff** 3:20, 23 4:3  
**stand** 7:20  
**standardize** 14:21  
**standing** 4:2  
**state** 1:1 10:9  
 15:4 17:4  
**statement** 10:19  
**stenographically**  
 17:9  
**stipulated** 6:21  
**stipulation** 6:16  
 7:13, 13, 18  
**stipulations** 11:1  
**stolen** 14:12, 20, 21  
**street** 11:16 12:1  
**stress** 14:5  
**submitted** 7:10  
 15:6  
**sufficient** 7:4  
**Supervising** 2:3  
**Supervising/In...**  
 3:24  
**supervision** 17:12  
**Support** 9:7  
**supported** 5:21 9:9  
**supported** 13:23  
**sure** 12:14  
**suspend** 6:18, 24  
**suspended** 7:6, 24  
**suspension** 7:16, 20  
 8:3  
**suspensions** 6:12

---

**T**

---

**Taken** 1:16  
**talking** 12:18  
**telephone** 13:6  
**Temple** 4:18  
**Terrence** 4:12

**thank** 3:7, 16, 21  
 4:9, 15, 24 5:5  
 6:10 8:4, 5 9:14  
 9:15, 19, 22 11:8  
 12:2, 7, 21 13:14  
 13:15, 18 14:24  
 15:8, 10, 25  
**things** 14:14  
**think** 4:2, 14  
**thinking** 11:20  
**thought** 11:11  
**Thursday** 1:19 5:16  
 5:25 9:24  
**Tijuana** 10:15  
**time** 4:16 5:6 6:8  
 9:23 10:6, 10  
 15:16 17:10  
**Tina** 3:25  
**today** 3:10, 14 8:17  
 15:17  
**today's** 5:7 8:25  
**Tolbert** 2:17 3:14  
 3:16 9:21 13:23  
 14:1, 8  
**tow** 13:4 14:19  
**towing** 13:2, 5, 24  
 14:4  
**tows** 15:5, 6  
**transcription**  
 17:12, 13  
**transmittal** 7:12  
**transparencies**  
 11:18  
**transparency** 11:10  
**trial** 12:18  
**true** 17:13  
**try** 14:16  
**two** 6:11 8:8, 22, 24  
 9:6 10:18

---

**U**

---

**understand** 15:4

---

**V**

---

**vehicle** 14:9, 21  
**vehicles** 14:12, 12  
 14:20  
**verbally** 11:12  
**Vice** 2:12 3:10  
**voice** 11:25  
**vote** 8:8 9:6

---

**W**

---

**walk** 6:9  
**want** 9:23 12:4  
 13:3 14:5  
**wanted** 10:19 11:4  
 12:13

**Warfield** 2:11 3:4  
 3:7,9,18 4:9,15  
 5:5,11,14,20,23  
 6:3,6 7:21 8:2  
 9:3,8,13,16,19  
 9:22 10:24 11:5  
 11:9 12:2,9,21  
 12:24 13:15 14:7  
 14:24 15:2,8,12  
 15:15,20,24  
**Warrant** 7:1  
**Washington** 2:2  
 12:10,11,11  
**Watson** 3:24  
**way** 11:4 14:15  
**Wayne** 17:6,20  
**week** 13:12  
**weeks** 8:8,22,24  
 9:6  
**Welcome** 3:7  
**we're** 8:8 12:5,18  
**White** 2:14 3:13  
 4:6 9:7 13:3,10  
 13:20,21 15:1,19  
**wife** 13:7  
**wish** 10:7  
**withdrawal** 7:14  
**Withdrawn** 8:11  
**word** 4:23 12:17  
**work** 13:11  
**Wow** 10:1,2  
**wrong** 11:17  
**W-O-W** 10:2

**Y**

**Yeah** 12:6  
**yield** 6:8  
**Yolanda** 4:2

**1**

**1** 1:14 17:21  
**10th** 9:24  
**10-13582** 7:1  
**1300** 1:16 2:4  
**14111** 10:3  
**16** 1:14  
**179** 6:20

**2**

**20th** 5:16  
**2011** 1:19 3:2 5:17  
 7:4,7,11 8:25  
**2012** 17:21  
**2227** 8:15  
**27th** 5:25

**3**

**3** 3:2

**3rd** 1:19 7:7 8:25  
**3th** 7:11  
**3:04** 1:18 3:3  
**3:19** 16:1  
**300** 11:19  
**313** 2:6 13:6  
**328** 2:4  
**328-A** 1:16  
**33rd** 6:25

**4**

**48226** 1:17 2:5

**5**

**596-1835** 2:6

**6**

**6:30** 9:24 10:1

**7**

**7042** 17:18

**8**

**8th** 7:4  
**895-9595** 13:6

**9**

**9** 6:19 7:7